
Site Address: 5 Seaview Terrace, South Street, Emsworth, PO10 7EN
Proposal: Variation of condition 2 of planning permission APP/22/00591 relating to first-floor front extension, alterations to existing fenestration, 2No. dormer windows, single-storey rear extension, new porch to west elevation, new brick wall to sea wall and new gates to bottom of existing slipway.
Application Type: Variation/Relief of Condition
Application No: APP/22/01117 Expiry Date: 16/01/2023
Applicant: Mr & Mrs A Winch
Agent: Mr T Wild Case Officer: Graham Speller
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the Emsworth Harbour frontage and comprises a detached two storey dwelling. It is located within the Emsworth Conservation Area and the Chichester Harbour AONB. The dwelling has a distinctive catslide roof fronting onto the harbour replicating the former winkle shed design.
- 1.2 The site is adjacent to a Grade II listed building at 23 Tower Street.
- 1.3 The site is within flood zones 2 & 3.

2 Planning History

APP/14/00144 - Crown reduce 1No. Poplar by 4m to previous pollard points; within Conservation Area of Emsworth., RNO,20/03/2014

APP/16/00415 - Listed Building Consent for additional rooflight to north elevation., PERM,10/06/2016

APP/16/00823 - Crown reduce 1No. Cherry tree (T5) by 2m overall. Crown reduce 1No. Tree of Heaven (T6) by 1.5m overall to prune to shape. Both trees subject to TPO 1788., PERM,07/09/2016

APP/16/00826 - Crown reduce 3No. Ornamental Plum trees (T1, T2 and T3) by 1.5m overall and re-pollard 1No. Poplar (T4), within Conservation Area of Emsworth., RNO,07/09/2016

APP/21/01437 - Two storey front extension, single storey rear extension, new porch to east and west elevations. Alterations to existing fenestration and 2No dormer windows., PERM,21/04/2022

APP/22/00591 - First-floor front extension, alterations to existing fenestration, 2No. dormer windows, single-storey rear extension, new porch to west elevation, new brick wall to sea wall and new gates to bottom of existing slipway. PERM,21/09/2022.
Request to discharge condition 3 (21.11.22). Discharged 18/01/2023

3 Proposal

- 3.1 Variation of condition 2 of planning permission APP/22/00591 relating to first-floor front extension, alterations to existing fenestration, 2No. dormer windows, single-storey rear extension, new porch to west elevation, new brick wall to sea wall and new gates to bottom of existing slipway.

- 3.2 The proposed changes relate to the extension of the external store and introduction of two additional rooflights to the enlarged store. The main development as approved under APP/22/00591 would be unaffected by the proposed variation.

4 Policy Considerations

National Planning Policy Framework 2021
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS4	()

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2	(Buildings of Local Historic Interest)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

NO OBJECTION WITH CONDITIONS

Appropriate planning conditions to control the following are suggested and should be considered and applied by the LPA:

- materials of construction and the finished appearance to match / complement the existing
- measures to limit light pollution within the Dark Skies protocol

Conditions are to be read in conjunction with the overall recommendation and should not be separated.

Reasoned Justification

Submitted Details and AONB supporting documents .

The current proposal lies inside the AONB. The proposal is within a built-up urban location within the AONB protected national landscape. The proposed works comprise works / alterations that require detailed approval of the LPA. The proposed works lie wholly within the site.

The proposal is for the variation of the approved plans by the extension of existing external store and introduction two additional rooflights to the enlarged store. The main development as approved under APP/22/00591 dated 21 September 2022 would be unaffected by the sought variation.

It is noted that the approved permission APP/22/00591 was subject to amended plans following the AONB protected national landscape consultation comments, and that the AONB Unit was not reconsulted to offer comment on the amended plans showing the slipway gate and details for the window fenestration sought for discharge.

Unfortunately, there is no AONB Landscape Visual Impact Statement (LVIS) although within the AONB protected landscape designation. Within the AONB this is usually required under LPA Local Validation List requirements. There is no reference made to the Joint Chichester Harbour AONB Supplementary Planning Document (SPD); to para 172 of the NPPF; to the AONB Management Plan Policy, or the specific AONB Planning Principles applicable (part of the Management Plan); or to the AONB Landscape Character Assessment. Given that the site has been subject to recent applications submissions where the AONB has been raised as a relevant planning concern, the continued lack of recognition to this fundamental situation shows lack of understanding or professional dereliction by the applicant's agents.

Scope of AONB Planning Assessment

The statutory purpose of the Area of Outstanding Natural Beauty (AONB) is to conserve and enhance the area's natural beauty. The adopted guidance requires a clear demonstration that no harm is caused to the AONB. Development proposals located within or impacting on the Area of Outstanding Natural Beauty (AONB) are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location.

The Area of Outstanding Natural Beauty (AONB) is not just applicable to the harbour waters and immediate coastline which gives the AONB its identifiable name, but includes large areas of inland rural countryside, small hamlet enclaves, built-up villages, and urban town areas spreading out and around the harbour area and further inland to the A259 Havant to Chichester route, and the A286 - B2179 Chichester to West Wittering route. The immediate supporting visual hinterland outside the AONB is also subject to consideration should it have a visual or other impact upon the AONB designated area (e.g., from visual impact or traffic impact reducing tranquillity in the AONB).

The submission is a planning application for works that should be considered against the Chichester Harbour Area of Outstanding Natural Beauty (CH-AONB) Management Plan, the AONB Planning Principles, planning history record, architectural and landscape character and setting of the red-line site development area and any blue-lined land in the ownership and/or control of the applicant(s). In considering the implications and impact within, or outside but close to, the Area of Outstanding Natural Beauty protected national landscape, the exterior visible works and the operational land use activity implications that affect the appearance and character of the surrounding setting are assessed.

AONB Unit Planning Assessment

The main AONB protected landscape planning assessment issues for this site relate to the following considerations.

1. Relevant and/or recent planning history implications for the tree works proposal

The planning history raises recent and relevant case to the current submission.

APP/22/00591 - Construction of first-floor front extension, single-storey rear extension, 2x dormer windows, alterations to existing fenestration, new porch to west elevation and new brick wall to sea wall. The description was expanded prior to the issue of the planning decision, to include the new gates to bottom of existing slipway, and to seek discharge of condition 3 (details of fenestration to be submitted), this after the CHC AONB planning consultation comments had been made. The Chichester Harbour Conservancy made delegated comments on 2 August 2022 raising no objection. The LPA approved the proposal on 21 September 2022.

APP/21/01437 - Erection of two-storey front extension, single storey rear extension, new porch to east and west elevations, two dormer windows, roof alteration, and alterations to fenestration. CHC made fully delegated comments on 8 February 2022 raising no objection. The LPA approved the proposal on 21 April 2022.

2. The principle of the use and activity of the development to the AONB locality

The use of the host building and site are not changed.

3. The locational positioning and layout arrangement

The variation proposal is positioned to the northern boundary of the site and would be unlikely to be visible from surrounding public vantage points.

4. Consideration against the relevant AONB Planning Principle guidance

AONB PP01, PP03, PP09, and Joint SPD considerations have been part of this AONB planning assessment.

4A. The proposed physical scale, structure bulk and perceived massing

The scale, structural shape, and building massing of the proposed works to the rear storage building would have a limited change in the visual scale/bulk/massing within the site and local area.

4B. Architectural design, structural character, visual appearance & finished treatment

There is no significant architectural or design change to the storage building proposals as part of this variation application submission.

4C. The environmental character of the AONB landscape

The proposal includes two new rooflights to the storage building. Internal and external illumination sources here are unlikely to be an issue subject to compliance with glazing screening / window blind / light fitment cowling criteria.

5. The impact on the tranquillity of the AONB landscape

The character and atmosphere / ambiance of the AONB locality is unlikely to be altered substantially by this proposal.

6. Biodiversity, ecology, wildlife, environmental quality and any disturbance mitigation

In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or

spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. The provision of on-site ecological enhancements, such as the provision of bat and bird boxes, hedgehog houses, etc. would be helpful in ensuring on-site wildlife is not excluded from the site. Any trees and hedges and any other green infrastructure should be retained, particularly where providing screening from surrounding external areas. There are no mitigation measures necessary in relation to this proposal.

Summary Conclusion

The visual impact of the physical structure on the AONB protected national landscape should adhere to the adopted guidance which requires a clear demonstration that no harm is caused to the AONB.

Taking the proposal as described, given the setting of the site and surrounds, the change would not be unduly imposing or obtrusive to the public realm and the wider AONB protected national landscape compared to the previous planning approval for the replacement dwelling on the site.

CHC has no substantive objection to the submitted physical works / operational use. The proposal is not viewed as being demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area. The external impact to the wider AONB protected landscape is limited and therefore generally acceptable to the AONB protected national landscape.

The Chichester Harbour Conservancy raises no objection to the current submission. Appropriate planning conditions to control the following are suggested and should be considered and applied by the LPA.

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal which may not be key AONB concerns, such as any overlooking impact to neighbouring property and gardens, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

Conservation Officer

Thank for you for consulting with me on this application. I confirm that I have no objection to the proposed changes.

Councillor Julie Thain-Smith

No comments received.

Councillor Lulu Bowerman

No comments received.

Councillor R Kennett

No comments received.

Environment Agency

We have no objection to the proposal as submitted.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 17

Number of site notices: At least one site notice exists .

Statutory advertisement: 23/12/2022

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the conservation area, AONB and heritage assets
- (iii) Effect on neighbouring properties
- (iv) Flood Risk
- (v) Parking
- (vi) Other matters

(i) Principle of development

7.2 The application site is located within the defined urban area; therefore, development is considered acceptable in principle subject to development management criteria.

7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

(ii) Appropriateness of design and impact on the character of the conservation area, AONB and heritage assets

7.4 The proposed changes are relatively minor, and the proposal would have a similar appearance as that previously approved.

7.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.6 As noted above, the amendments relate to enlarging the external store and introducing two rooflights.
- 7.7 However, it is considered that the amendment will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the revised scheme.

(iv) Flood Risk

- 7.8 The site is within flood zones 2 & 3. A flood risk statement was submitted in connection with the approved application APP/22/00591 which was considered proportionate to the scale of the proposed development. The minor changes would not significantly increase the risk of flooding.

(v) Parking

- 7.9 The proposed variation does not affect parking, which was not previously considered a determining issue due to its location.

(vi) Other matters

- 7.10 As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect. The application form states that the works of the original permission have not yet commenced and therefore a time condition shall be imposed but aligning with the original permission as it is not possible to vary a time limit condition under a s73 application. The previous condition relating to the submission of materials and new windows/doors detail, has been discharged on 18/01/2023.

8 Conclusion

- 8.1 The scale, siting and design of the revised proposal would have limited and acceptable impact on the neighbours and the character of the area and is therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01117 subject to the following conditions:

- 1 The development must be begun on or before 21/09/2025.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

20101-02 – REV D - EXISTING AND PROPOSED PLANS AND ELEVATIONS

Reason: - To ensure provision of a satisfactory development.

- 3 The development shall not be erected other than in the materials and window/door details as submitted and approved on 18/01/2023 in pursuant of Condition 3 of permission APP/22/00591 listed below or such other materials as have been approved in writing by the borough council:

Schedule of materials and further email clarification

Window details 20101-200 and 20101-201

Door Details - 20101-203 and 20101-204

Conservation Rooflight CR_CRCS_FK_CC

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall have no windows or other openings inserted into the north elevation at first floor level, unless planning permission has first been granted by the Borough Council.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.